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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,804	09/28/2000	Alexander C. Wall	FMS92302	7917

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EXAMINER

FUNK, STEPHEN R

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2854

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8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/671,804	Applicant(s) Wall et al.	
	Examiner Stephen Funk	Art Unit 2854	
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			
Status <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Dec 16, 2002</u></p> <p>2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>			
Disposition of Claims <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) <u>1-10</u> is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>11-20</u> is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>			
Application Papers <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>Sep 28, 2000</u> is/are a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
Priority under 35 U.S.C. §§ 119 and 120 <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>*See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
Attachment(s) <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>4</u></p> <p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p>			

Applicant's election with traverse of Group II, claims 11 - 20, in Paper No. 7 is acknowledged. The traversal is on the ground(s) that a prima facie case of a serious burden on the examiner has not been made. This is not found persuasive because a divergent field of search is implicit in an election of species. In this instance, a search of Group II would require a search for stamps having photocurable polymers not only in Class 101 Printing but also Class 430 Radiation Imagery Chemistry: Process, Composition, or Product Thereof (for processes of curing photopolymers), and possibly Class 355 Photocopying (for contact exposure apparatus, i.e. using a superimposed negative or positive). However, a search for a stamp made from an engravable blank die would not require a search in Class 430 (since there is no photopolymer) or Class 355 (since there is no contact exposure apparatus) but instead a search in Class 219 Electric Heating (laser engraving), Class 347 Incremental Printing (laser engraving), and Class 358 Facsimile (engraving).

The requirement is still deemed proper and is therefore made FINAL.

The disclosure is objected to because of the following informalities: Note the grammatical errors on page 2 line 25, page 5 line 21, page 6 line 3, page 19 line 28, and page 20 line 25. On page 9 line 4, and in the Detailed Description, there is no reference to Figure 23. On page 14 lines 7 - 11 reference numerals "70", "36", and "47" do not correspond to Figure 6. Note the processor "90", laser "30", and x-axis motor "44" in Figure 6: Reference numeral "205" does not appear to be addressed in the specification. See page 17 lines 12 - 26 in the specification. Applicant should carefully review the specification for any additional errors. Appropriate correction is required.

The drawings are objected to because reference numeral "62" in Figure 5 should presumably be --64--. See page 13 lines 21 and 29 in the specification. Note also the use of reference numeral "62" on page 10 line 27+ and Figure 3a. Additionally, Figure 10b appears to show two different views. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 11 - 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 11 step b) the recitation of the photonegative being placed "in" the single cavity does not appear to be supported by the disclosure. Note Figures 11 - 16, in particular, Figures 14 and 16 which appear to show photonegative (301) adjacent to the cavity (304) but not "in" the cavity.

For examination purposes, the photonegative will be treated as being next to or adjacent to the cavity.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13, and 17 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriyama et al. (US 5,669,304) in view of Mairon (US 5,152,223). Kuriyama et al. teach the method as recited with exception of placing the photonegative (52) "in" the cavity (73) formed by the cover (72) and placing the die on a platen of a self-inking stamp body. See the entire disclosure of Kuriyama et al., in particular, Figures 1, 3, and 4(b). As stated above, the recitation "in" is being interpreted to mean "adjacent to". Accordingly, the photonegative (52) of Kuriyama et al. is considered to be adjacent to the cavity (73, 72). Mairon teaches bonding a marking die (stamping strip) on a platen (20) of a self-inking stamp. See column 3 lines 44 - 52 and Figures 2 and 7a - 7f. The recitation of the stamp being finished in about 5 minutes would have been obvious to one of ordinary skill in the art through routine experimentation in selecting a fast curing photopolymer. It would have been obvious to one of ordinary skill in the art to provide the method of Kuriyama et al. with the step of placing the marking die on a platen of a self-inking stamp in view of Mairon so as to provide the ease of self-inking the marking die. With respect to claim 13 Kuriyama et al. do not disclose a customer inputting the type data in the key input section (2). See column 7 lines 18 - 30 of Kuriyama et al., for example. However, it would have been obvious to one of ordinary skill in the art to charge a customer to utilize the method and apparatus of Kuriyama et al. With respect to claim 17 see column 11 lines 19 - 28 of Kuriyama et al. With respect to claim 18 it would have been obvious to one of ordinary skill in the art to use an adhesive to bond the marking die of Mairon to the platen. With respect to claim 19 the broad recitation of a cavity plate does not distinguish from the cover (72) of Kuriyama et al. Furthermore, any part or all of the stamp is disposable.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriyama et al. in view of Mairon as applied to the claims above, and further in view of The Stamp Man. The Stamp Man discloses the conventionality of inputting type data (order guide) for a stamp over the Internet. It would have been obvious to one of ordinary skill in the art to provide the method of Kuriyama et al., as modified by Mairon, with the step of inputting the type data over the Internet in view of The Stamp Man so as to allow consumers to remotely customize a stamp.

Claims 14 - 16 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached Monday - Friday, except Wednesdays, from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (703) 305-6619.

The fax number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After-Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk
February 21, 2003



STEPHEN R. FUNK
PRIMARY EXAMINER